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James Curtin/DC/USEPA/US		Sarah Furtak/DC/USEPA/US	
CC		BCC	
Description			Form Used: Notice
Subject		Date/Time	
Accepted: Hold: HQ-R10 follow-up after Kalispel visit		09/10/2012 02:48 PM	
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James Curtin/DC/USEPA/US		Sarah Furtak/DC/USEPA/US	
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Description			Form Used: Notice
Subject		Date/Time	
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James Curtin/DC/USEPA/US		Sarah Furtak/DC/USEPA/US	
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Subject		Date/Time	
Accepted: Tentative Hold: HQ-EPA Region 10 follow-up after Kalispel Tribe visit		08/02/2012 01:33 PM	
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James Curtin/DC/USEPA/US		Sarah Furtak/DC/USEPA/US@EPA	
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Subject		Date/Time	
Fw: Kalispel/EPA July 24th Meeting Materials		07/06/2012 04:13 AM	
# of Attachments	Total Bytes	NPM	Contributor
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Body

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Thanks, Sarah. Tha final email to the tribe looks good. Have a nice few days off. - Jim

James Curtin
 Office of General Counsel
 202.564.5482
 Mail Code: 2355A
 curtin.james@epa.gov

----- Forwarded by James Curtin/DC/USEPA/US on 07/06/12 07:12 AM -----

Re: Kalispel/EPA July 24th Meeting Materials

Sarah Furtak to: dosterman

07/06/12 06:19 AM

Cc: Mike Bussell, David Croxton, Don Martin

From: Sarah Furtak/DC/USEPA/US

To: dosterman@kalispeltribe.com

Cc: Mike Bussell/R10/USEPA/US@EPA, David Croxton/R10/USEPA/US@EPA, Don Martin/R10/USEPA/US@EPA

Bcc: James Curtin/DC/USEPA/US

Dear Deane,

Thank you for sending along the draft materials.

Attached please find our markup (additions in blue) of the Kalispel Tribe's draft agenda showing specific location information for July 24, participants on our informal HQ technical review team, other HQ participants, and participants (via phone) from EPA Region 10. We've also made one change to the "Questions Presented" section to reflect our understanding that a primary purpose of the July 24 meeting is to provide the tribe an opportunity to explain to the EPA HQ technical review team why it believes each of the four subparts to the "Questions Presented" is true. We have not made any change to the objective in your draft agenda as we interpret that to be the Kalispel Tribe's desired outcome, and not necessarily EPA's meeting objective.

We will plan to have a laptop, projector and screen, and Internet connection (not wireless) for delivery of the Kalispel Tribe's presentation. When I receive the presentation about July 17, I will load this onto the laptop and have it ready for you to present during the visit.

It is our original understanding and our working assumption that this visit is the Kalispel Tribe's opportunity to present technical and legal issues the Kalispel Tribe has identified with the Pend Oreille temperature TMDL to the informal HQ review team. As I mentioned earlier, EPA HQ review team plans to listen carefully to the Kalispel Tribe's presentation in order to understand as fully as possible the issues the tribe has identified. As necessary and appropriate, members of the review team may ask clarifying questions. During the meeting, members of the review team do not expect to debate technical or legal points with the tribe's presenters or arrive at any decisions regarding the validity of the tribe's points. From EPA HQ's perspective, we view the meeting as primarily an opportunity to better understand the tribe's perspective on this TMDL, from the tribe's own experts. We see our role ultimately as providing legal, technical, and policy input to the Region, as it reviews the Washington state TMDL.

As I mentioned earlier, we expect that, shortly after our meeting on the 24th, we will follow up with the Region regarding our collective thoughts as the Region makes its final decision. We see our role as providing input to the Region, as EPA HQ and Region 10 work together in close coordination.

In your email, you seek agreement to three "basic assumptions" before the meeting on July 24. Without more information from tribal representatives about these assumptions, we do not believe that will be possible. At the meeting, we would be happy to listen to

your perspective on the "basic assumptions" to provide us a better understanding of how they apply, in particular, to our review of this TMDL.

Regarding your statement that "if it becomes necessary to debate the technical merits of cumulative frequency analysis, we would need to schedule a follow-up meeting," while we do not see this meeting as an occasion for a "debate" about the legal or technical aspects of this TMDL, we would find it very helpful for the tribe to present a full explanation of its critique of Washington state's methodology and justification of its own methodology. Indeed, the reasonableness of the methodology employed appears to be central to each of the four subparts to your Questions Presented within the draft agenda.

We look forward to Kalispel Tribe's visit, and please let me know if you have any further questions about the substance and logistics of this meeting.

Cordially,

Sarah Furtak
U.S. Environmental Protection Agency
Office of Wetlands, Oceans, and Watersheds
Assessment and Watershed Protection Division
Watershed Branch
EPA West Building, Room 7330-A
1301 Constitution Avenue, NW
Washington, DC 20004
Phone: (202) 566-1167

-----Deane Osterman <dosterman@kalispeltribe.com> wrote: -----

To: Sarah Furtak/DC/USEPA/US@EPA

From: Deane Osterman <dosterman@kalispeltribe.com>

Date: 06/29/2012 02:15PM

Cc: Zach Welcker <zwelcker@kanjikatzen.com>, Rick Desimone <rick@desimonecg.com>, Mike Bussell/R10/USEPA/US@EPA

Subject: Kalispel/EPA July 24th Meeting Materials

Dear Sarah:

I have attached the Tribe's objective and proposed agenda for our upcoming meeting on July 24, 2012. If you could insert the names and titles of all attendees from EPA, as well as the specific location of the meeting, that would be great. Please also confirm that you will have A/V equipment on hand to enable us to deliver our presentation. This is an important and expensive trip for us out to D.C., so we're really hoping to make our two hours together count. To help achieve this end, we are preparing and will provide you with a copy of our presentation at least one week in advance of our meeting. We think it would help facilitate a more efficient meeting

if the panelists could review that presentation, along with the Tribe's March 13, 2012 letter and November 30, 2011 presentation to EPA, prior to the meeting. Such review will help minimize the amount of time we need to spend on background issues and allow us to focus on the questions presented to the panel.

I also think our meeting will be more productive if we can agree to three basic assumptions beforehand. These include:

1. In the context of a TMDL for a multi-jurisdictional waterway, EPA requires an upstream sovereign to meet the water quality standards of a downstream sovereign.
2. EPA will reject an upstream sovereign's determination of compliance with the downstream sovereign's water quality standards where the methodology underlying that determination contravenes downstream standards.
3. For purposes of questions 1 and 2, EPA treats states and tribes with treatment-as-a-state status identically.

Finally, I want to make it clear that the Tribe is primarily interested in discussing the Pend Oreille River Temperature TMDL for consistency with national TMDL policy and state and tribal water quality standards on the basis of the record before EPA. If it becomes necessary to debate the technical merits of cumulative frequency analysis, we would need to schedule a follow-up meeting. We hope that the panel is selected with this understanding in mind. Additionally, we would appreciate a response to the questions and assumptions posed in this letter.

I look forward to hearing from you soon.

Regards,

Deane Osterman, Executive Director

dosterman@knrd.org

www.knrd.org

v 509.447-7282

c 509.993.0879

***** ATTACHMENT NOT DELIVERED *****

This Email message contained an attachment named

image001.jpg

which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

***** ATTACHMENT NOT DELIVERED *****

[attachment "Objective and Agenda.docx" removed by Sarah Furtak/DC/USEPA/US]

[attachment "Pend Oreille River Temperature TMDL Meeting 11 30 11 Final.pptx" removed by Sarah

Furtak/DC/USEPA/US][attachment "jul_5_2012_mark_up_kalispel_agenda_draft.docx" deleted by James Curtin/DC/USEPA/US]

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Fw: Tentative: HQ-R10 follow-up after Oct. 15 videoconference		10/23/2012 07:51 AM	
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Body

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Sarah,

I'm very sorry, but I will not be able to make this meeting. I'm flying back from Florida that day (Tuesday, 11/13) and won't be in the office until Wednesday am.

Jim

James Curtin
 Office of General Counsel
 202.564.5482
 Mail Code: 2355A
 curtin.james@epa.gov

----- Forwarded by James Curtin/DC/USEPA/US on 10/23/2012 10:49 AM -----

Tentative: HQ-R10 follow-up after Oct. 15 videoconference

Tue 11/13/2012 2:00 PM - 3:00 PM

Attendance is for James Curtin

Chair: **Sarah Furtak/DC/USEPA/US**

Location: Ariel Rios North -- room 5530

Required:

Ben Cope/R10/USEPA/US@EPA, David Croxton/R10/USEPA/US@EPA, Don Martin/R10/USEPA/US@EPA, Helen Rueda/R10/USEPA/US@EPA, James Curtin/DC/USEPA/US@EPA, Jim Keating/DC/USEPA/US@EPA, Julie Reichert/DC/USEPA/US@EPA, Kim Owens/R10/USEPA/US@EPA, Lester Yuan/DC/USEPA/US@EPA, Michael Haire/DC/USEPA/US@EPA, Steve Whitlock/DC/USEPA/US@EPA

Optional:

Eric Monschein/DC/USEPA/US@EPA, Gary Russo/DC/USEPA/US@EPA, John Goodin/DC/USEPA/US@EPA, Kelly Gable/R3/USEPA/US@EPA, Ruth Chemerys/DC/USEPA/US@EPA

Description

*** Draft - deliberative ***

Objective: Follow-up to our Oct. 15 videoconference (re: draft Pend Oreille TMDL for temperature) to cover progress on next steps.

This will be a videoconference, and HQ folks should come to **5530 Ariel Rios North**.

Personal Notes

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CC		BCC	
Gary Russo/DC/USEPA/US@EPA James Curtin/DC/USEPA/US@EPA Jim Keating/DC/USEPA/US@EPA			
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Today's Kalispel meeting		11/20/2012 06:21 AM	
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Sarah,

I know today's meeting (2-3) is primarily for my benefit, but I now have a short meeting with Ellen G. at 1:45-2. I'll rush over ASAP, but for everybody's convenience, you might want to move the start time back to 2:15. I can stay til 4pm if necessary.

Thanks,

Jim

James Curtin
 Office of General Counsel
 202.564.5482
 Mail Code: 2355A
 curtin.james@epa.gov